



## Engineering Department

**DATE:** February 27, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** Sidewalk and Utility Easement at Century Ave. and 4th St.

**REQUEST:**

Consider approval of a sidewalk and utility easement at the intersection of Century Ave and 4th St.

**BACKGROUND INFORMATION:**

Street utility project SV24-75, 2024 traffic signal upgrade for the intersection of Century Ave. and 4th St. requires a 6-foot by 6-foot sidewalk and utility easement in the southwest corner to fit new infrastructure into the intersection.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve dedication and acceptance of the sidewalk and utility easement at the intersection of Century Ave and 4th St.

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

**ATTACHMENTS:**

1. Easement Document

## SIDEWALK & UTILITY EASEMENT

This indenture, made this 20 day of February, 2024 between the **Bismarck Parks and Recreation District**, whose post office address is 400 E Front Ave, Bismarck, ND 58504-5641, "Grantor", and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, "Grantee".

1. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, an easement to construct, operate, maintain, and repair public utility facilities including traffic signal equipment, traffic signal wires, and sidewalk under or upon the real property hereinafter described, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said utility. Grantee shall have the right to ingress and egress across real property of Grantor for the purpose herein granted.

2. This Easement is, except for right of access, limited to:

A tract of land located in the Northwest Quarter of Section 28, Township 139 North, Range 80 West, in the City of Bismarck, Burleigh County, North Dakota, being more particularly described as follows:

Commencing at the north Quarter Corner of Section 28, thence  $S0^{\circ}13'26''W$  along the Quarter Line a distance of 50.00 feet; thence  $N89^{\circ}46'34''W$  a distance of 44.00 feet to the point of beginning; thence  $N89^{\circ}40'34''W$  along the south right-of-way line of East Century Avenue a distance of 6.00 feet; thence  $S0^{\circ}45'14''W$  a distance of 6.00 feet; thence  $S89^{\circ}40'34''E$  a distance of 6.00 feet to the west right-of-way line of North 4<sup>th</sup> Street; thence  $N0^{\circ}45'14''E$  along said west right-of-way Line of North 4<sup>th</sup> Street a distance of 6.00 feet to the point of beginning.

Said described tract contains 36.00 SQ. Feet or 0.001 Acres, more or less.

3. Grantee shall, after completing the above-described construction or installation, or after the exercise of any rights granted by this easement, restore the lands to as near their original condition as reasonably possible and remove all debris, spoils, and equipment resulting from or used in connection with the construction or installation or access to the lands.

4. Grantor agrees to not erect or permit any new structure or obstruction other than fences driveways, or signage, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement, except with the written consent of Grantee.

5. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution of this easement.

6. Grantor hereby reserves title to and any interest in any and all archeological and paleontological materials, whether located on or below the surface of said land.

Dated this 20 day of February 2024.

By: *K Klipfel*

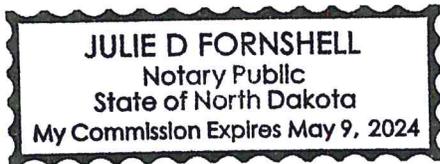
**BISMARCK PARKS AND RECREATION DISTRICT,**

Name: Kevin Klipfel

Title: Executive Director

STATE OF NORTH DAKOTA            )  
  ) SS  
COUNTY OF BURLEIGH            )

On this 20 day of February, 2024, before me personally appeared Kevin Klipfel, Executive Director for **BISMARCK PARKS AND RECREATION DISTRICT**, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.



*Julie D Fornshell*  
Notary Public  
Name: *Julie D. Fornshell*

Acceptance of dedicated lands by the **City of Bismarck**:

_____	Attest: _____
Michael T Schmitz	Jason Tomanek
President, Board of City Commissioners	City Administrator

STATE OF NORTH DAKOTA    )  
  ) SS  
COUNTY OF BURLEIGH     )

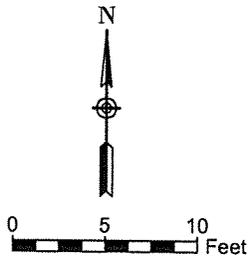
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me personally appeared Michael T Schmitz, President of Board of City Commissioners, and Jason Tomanek, Acting City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public

EXHIBIT NO. 1

# EASEMENT

PART OF THE NW1/4, SECTION 28, T139N, R80W BURLEIGH COUNTY, NORTH DAKOTA



SECTION LINE

N 1/4 CORNER

E CENTURY AVENUE

50.00'  
S 0°13'26" W

N 89°40'34" W  
6.00'

P.O.B.

N 89°46'34" W

S 0°45'14" W  
6.00'

N 0°45'14" E  
6.00'

44.00'

S 89°40'34" E  
6.00'

JAYCEE CENTENIAL  
PARK

N 4TH STREET

1/4 LINE

